

FISH and WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: October 13, 2016

Agenda Item: Harrison Lake Fishing Access Site Property Donation

Division: Fisheries

Action Needed: Final

Time Needed on Agenda for this Presentation: 5 Min

Background:

The Willow Creek Project also known as the Harrison Lake FAS is owned and administered by the Montana Department of Natural Resources and Conservation (DNRC) through its State Water Projects Bureau. The Willow Creek Water Users Association (WCWUA) operates the Project under a water marketing contract with DNRC. At the request of the WCWUA, SB 221 was introduced and passed during the 2015 Legislative Session requiring DNRC to attempt to dispose of the Willow Creek Project lands. In order to ensure continued public access to the lake, DNRC is proposing to transfer through donation, 193 acres of their land to FWP. Combined with FWP's existing ownership of 37-acres this transaction will bring FWP's land ownership to a total of 230-acres. FWP has subsequently been working with DNRC staff and the adjacent private landowners to correct boundary line issues prior to conveyance to FWP. DNRC is now prepared to transfer the 193-acres to FWP and the balance of the DNRC property to the WCWUA. FWP is also concurrently working with adjacent landowners towards an agreement to exchange easements on a short section of the access road.

Public Involvement Process & Results:

An EA was prepared by DNRC with the public comment period extending from February 8 through March 8, 2016. Public comments were evaluated and a Decision Notice was released by DNRC on May 16, 2016. The EA evaluated three alternatives: Alternative A – No Action; Alternative B -- No Fee Transfer to Irrigation District (Preferred Alternative); and Alternative C – No Fee Transfer to Association. Ultimately Alternative C was selected, which contains the provision for transferring the property to FWP. Copies of the public comments received are attached.

Alternatives and Analysis:

FWP can either accept or refuse the donation of property by DNRC. If refused, FWP would not have guaranteed public access to the reservoir. If accepted, access will be guaranteed in perpetuity, and at virtually all water elevations, since the donated land extends from the FAS out toward the middle of the reservoir.

Agency Recommendation & Rationale:

FWP recommends that the Commission approve the Department's efforts to acquire the property from DNRC to ensure continued public access at the Harrison Lake FAS.

Proposed Motion:

I move the Fish and Wildlife Commission authorize FWP to accept the 193-acre donation of property from DNRC at the Harrison Lake FAS.